



Parks and Recreation

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Parks and Recreation

Reference Number: MTAS-212

Programs and Services

Municipal recreational programs are authorized by an optional general law. The law also authorizes joint programs by two or more cities. A city's governing body has the option to retain control of such a program, enter into an agreement with one or more municipalities for operation under a joint board or authority, or place it under a recreation board or commission, school board, or park board. T.C.A. §§ 11-24-103–105.

To protect property under its jurisdiction, a recreation board may promulgate rules to be enforced by local law enforcement officials. Maintenance and operation of a recreational system may be funded from property taxes, general revenue, user fees and charges, or any other appropriate source. Any city may levy a special tax earmarked for playground and recreational purposes. T.C.A. §§ 11-24-101–112. Cities or recreation boards may contract with businesses, civic groups, or individuals for volunteer services to maintain and improve parks. T.C.A. § 11-24-202.

The Parks and Recreation Technical Advisory Service (PARTAS) in the Department of Environment and Conservation helps municipalities establish and operate parks and recreational programs. T.C.A. § 11-9-108.

Conservation boards are authorized to develop and maintain county parks and recreational areas. These boards are empowered to enter into agreements with small cities to provide them with parks and recreational services. T.C.A. §§ 11-21-111–112.

Recreation Grants

Reference Number: MTAS-218

T.C.A. §§ 11-9-201, *et seq.*, establish a program of matching recreation grants to cities and counties. Grants are for a three-year period and must be used to hire a recreation director, establish a recreation office, and hire other needed personnel. In the first two years, the community must match up to \$50,000 from the state. In the third year, the community must fund the program completely or repay the state. Grants are awarded annually, with one award generally made in each grand division. Multi-government proposals have priority.

Park Acquisition Grants

T.C.A. § 67-4-409(a) and (i) impose a real estate transfer tax of 37 cents per \$100 and earmark revenues from 1.75 cents to create a local parks acquisition fund. The fund provides matching grants to purchase land for parks, natural areas, and greenways and for capital projects in those areas. Grant funds may be matched with land not previously used for park purposes, rather than money. Up to 3.5 percent may be deducted from the fund to cover administrative expenses. The environment and conservation and agriculture commissioners and the Wildlife Resources Agency director promulgate regulations, set priorities, and approve each grant.

The Department of Environment and Conservation also manages procedures for awarding federal grants from the Natural Resources Trust Fund. T.C.A. §§ 11-14-301–307.

Weapons in Public Parks

Reference Number: MTAS-268

With certain limited exceptions, it is an offense to possess or carry a weapon on the grounds of any public park or playground in any municipality if the weapon is not used for instruction, display, or sanctioned ceremonial purposes. T.C.A. § 39-17-1311. Handgun carry permit holders may possess or carry handguns in any municipal park or similar public place owned or operated by a municipality, except when in the immediate vicinity of property that is in use by any public or private educational institution conducting an athletic event or other school-related activity on an athletic field. Once a

handgun carry permit holder is informed or becomes aware that one or more students are physically present on the property for a school athletic event or any other school-related activity on an athletic field in the immediate vicinity of where the individual is located in the park, the handgun carry permit holder is required to take reasonable steps to leave the area so as to not violate the law. T.C.A. § 39-17-1311.

School Property

Reference Number: MTAS-272

Boards of education may let any city recreational system use any school building, grounds, or equipment if the recreational use does not interfere with school purposes. T.C.A. § 11-24-110.

Swimming Pools

Reference Number: MTAS-270

City swimming pools must comply with the Hotel, Food Service Establishment, and Public Swimming Pool Inspection Act of 1985. The commissioner of health may grant variances and waivers that do not result in a health or safety hazard. T.C.A. § 68-14-303(3).

Any public swimming pool owned by a "public entity" that is more than 30,000 square feet must have a full-time, staffed lifeguard station for each 6,000 square feet, or major portion thereof, available for public use. The commissioner of environment and conservation may increase the size of the area requiring a single lifeguard station. T.C.A. § 68-14-402.

Requirements for Public Swimming Pools

Reference Number: MTAS-1150

New federal requirements have been issued affecting cities that operate public swimming pools. In September 2010, the U.S. Department of Justice revised its regulations implementing the Americans with Disabilities Act (ADA). These regulations contain new requirements that include accessibility standards for swimming pools. The effective date for implementation of these regulations was March 15, 2012, but the Justice Department extended the date for compliance with requirements relating to existing pools to January 31, 2013.

Title II of the ADA is a federal law that prohibits discrimination against disabled persons in all programs, activities, and services of public entities. It applies to all municipalities and their departments, regardless of their population. This means that cities must make recreational programs, services, and activities, including swimming pools, accessible and useable. Cities with more than one pool may not necessarily be required to make every pool accessible, but cities with only one pool must make it accessible. To help cities with multiple pools determine which pools must be made accessible, the Department of Justice has compiled a list of factors for cities to consider:

FACTORS TO CONSIDER¹

- How to provide swimming programs in the most integrated setting appropriate;
- The ways in which people participate in the programs (e.g., individually, in families, in youth groups);
- Locations where the programs are offered;
- What programs are offered at each pool and to which constituencies (e.g., family swims, children's swimming lessons, older adult exercise classes, high school swim meets);
- Which pools are accessible and to what extent; and
- Level of dispersion of the accessible locations and convenience to reach them (e.g., one pool in each quadrant of the town, all on accessible mass transit).

Compliance with the new regulations is mandatory by cities that have pools that are open to the public. Existing swimming pools must be modified to comply with the 2010 guidelines no later than January 31,

2013. For all newly constructed or altered pools, the 2010 standards should be followed on or after March 15, 2012.

Among other requirements, the new regulations require that pools with less than 300 linear feet of pool wall provide at least one accessible means of entry/exit, which must be either a fixed pool lift or a sloped entry. Pools with 300 linear feet of pool wall or more must have two accessible means of entry and exit; one means of entry/exit must be a fixed pool lift or sloped entry; the other entry can be a transfer wall, transfer system, or pool stairs. (*Section 242, 2010 ADA Standards for Accessible Design.*)

When structural changes are made to provide a means of access, all modifications must comply with the revised ADA guidelines. Additional requirements can be found in sections 242 and 1009 of the 2010 *ADA Standards for Accessible Design*.

For more information, you may contact either: PARTAS at <http://www.tn.gov/environment/recreation> [1], telephone: (615) 532-0748 or U.S. Department of Justice ADA at www.ADA.gov [2], telephone: (800) 514-0301.

[1] *Revised ADA Requirements: Accessible Pools - Means of Entry and Exit* U.S. Department of Justice, (May 24, 2012), available at http://www.ada.gov/pools_2010.htm [3]

Forests

Reference Number: MTAS-271

Cities are authorized to purchase and maintain forestry land under regulations approved by the state forester. The governing body may act after a two-week public notice that such a purchase is being considered. Controlling the land's use and disposing of income from it are responsibilities vested in the governing body. T.C.A. §§ 11-23-101–105.

Liability

Reference Number: MTAS-269

Landowners, including governmental entities, are free from liability for giving permission to another person for use of the landowner's land for hunting, camping, canoeing, and a number of other specified recreational activities, except:

- For the willful or wanton conduct or gross negligence resulting in failure to warn of a dangerous condition, use, structure, or activities;
- Where the permission to make recreational use of the property was for a fee or price;
- To people to whom the owner owed a duty to keep the premises safe or to warn of danger. T.C.A. §§ 70-7-101–104.

Monuments

Reference Number: MTAS-1918

A governmental entity, including a municipality is prohibited from relocating, removing, altering, renaming, rededicating or otherwise disturbing a statute, monument, memorial, nameplate, or plaque on public property erected for, or named or dedicated in honor of a U.S. military engagement, figure, event, organization or unit. Exception may be granted by the Tennessee historical commission. An exception to this prohibition may be granted by the Tennessee historical commission. T.C.A. § 4-4-412.

Recreation and Parks Retention Schedule

Reference Number:

MTAS-1926

For retention schedule documents that apply to recreation and parks records, please click on the link to MTAS-699 [4].

Links:

- [1] <http://www.tn.gov/environment/recreation>
- [2] <http://www.ADA.gov>
- [3] http://www.ada.gov/pools_2010.htm
- [4] <https://www.mtas.tennessee.edu/node/699>

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